

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION**

**DOUGLAS WAYNE COPELAND**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 2:07cv258-KS-MTP**

**MICHAEL J. ASTRUE,  
COMMISSIONER of SOCIAL  
SECURITY ADMINISTRATION**

**DEFENDANT**

**ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION  
AND AFFIRMING THE COMMISSIONER'S DECISION**

This cause is before the Court on request for judicial review of a final decision of the Commissioner of the Social Security Administration denying Plaintiff Douglas Copeland's claim for disability benefits [Doc. #1]; Report and Recommendation filed by Magistrate Judge Michael T. Parker [Doc. #17]; Objection thereto filed by Plaintiff Copeland [Doc. # 19]; and the Court does hereby find as follows:

**I. PROCEDURAL HISTORY**

Copeland brings this action pursuant to 42 U.S.C. § 405(g) of the Social Security Act requesting judicial review of a final decision of the Commissioner denying his claim for disability benefits. After considering the pleadings, transcript of the record, and applicable law, Magistrate Judge Parker recommends that the Commissioner's decision be affirmed.

## II. STANDARD OF REVIEW

When a party objects to a Report and Recommendation this Court is required to “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). *See also Longmire v. Gust*, 921 F.2d 620, 623 (5th Cir. 1991) (Party is “entitled to a *de novo* review by an Article III Judge as to those issues to which an objection is made.”). Such review means that this Court will examine the entire record and will make an independent assessment of the law. The Court is not required, however, to reiterate the findings and conclusions of the Magistrate Judge. *Koetting v. Thompson*, 995 F.2d 37, 40 (5th Cir. 1993) nor need it consider objections that are frivolous, conclusive, or general in nature. *Battle v. United States Parole Commission*, 834 F.2d 419, 421 (5th Cir. 1997). No factual objection is raised when a petitioner merely reurges arguments contained in the original petition. *Edmond v. Collins*, 8 F.3d 290, 293 (5th Cir. 1993).

## III. PETITIONER’S OBJECTIONS AND ANALYSIS

Copeland raises two grounds for objecting to the Report and Recommendation. First, Copeland contends that Magistrate Judge Parker erred by concluding that the Commissioner’s decision was supported by substantial evidence. Having reviewed the record, this Court concurs with Magistrate Judge Parker’s conclusion; although there may have been ample evidence to support a contrary decision at the administrative level, there was substantial evidence supporting the Commissioner’s findings. Second, Copeland contends that Magistrate Judge Parker should have concluded that the Administrative Law Judge (“ALJ”) erred by assessing Copeland’s residual functional capacity in a conclusory manner without rationale or reference to supporting

evidence. This Court has reviewed the ALJ's decision and disagrees with Plaintiff's characterization of the ALJ's assessment. Magistrate Judge Parker correctly concluded that the ALJ's decision did not contain an error of law in this regard.

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#### IV. CONCLUSION

As required by 28 U.S.C. § 636(b)(1) this Court has conducted an independent review of the entire record and a *de novo* review of the matters raised by the objections. For the reasons set forth above, this Court concludes that Copeland's objections lack merit and should be overruled. The Court further concludes that the Report and Recommendation is an accurate statement of the facts and the correct analysis of the law in all regards. Therefore, the Court accepts, approves, and adopts the Magistrate Judges's factual findings and legal conclusions contained in the Report and Recommendation. Accordingly, it is ordered that the United States Magistrate Judge Michael T. Parker's Report and Recommendation is accepted pursuant to 28 U.S.C. § 636(b)(1) and the Commissioner's decision is **affirmed**.

SO ORDERED AND ADJUDGED on this, the 25th day of August, 2008.

*s/Keth Starrett*  
UNITED STATES DISTRICT JUDGE